

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : RICCI et al.  
Serial No. : 10/581,964  
Confirm. No. : 7292  
Filed : June 7, 2006  
For : DEVICE FOR PERFORMING...  
Art Unit : 1797  
Examiner : Sally A. Sakelaris  
Dated : October 29, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR 1.136 (a)**

Sir:

The Office Action dated July 1, 2009 provided for a shortened statutory period for response of three months.

The shortened statutory period expired October 1, 2009.

Since the attached response is being filed within the first month pursuant to 37 CFR 1.136(a) Applicant respectfully requests the Examiner to charge the appropriate petition fee of \$130.00 (fee code 1251).

Respectfully submitted  
for Applicant(s),



By: \_\_\_\_\_  
John James McGlew  
Reg. No.: 31,903  
For: MCGLEW AND TUTTLE, P.C.

JJM:tf

DATED:      October 29, 2009  
                 SCARBOROUGH STATION  
                 SCARBOROUGH, NEW YORK 10510-9227  
                 (914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND  
TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO  
OUR DEPOSIT ACCOUNT 13-0410.